

IN THE CLAIMS: See Listing of Claims. This listing will replace all prior versions of claims in the application.

REMARKS

It is the position of the Office that the application pertains to a plurality of patentably distinct inventions. The applicants **traverse** this conclusion on the grounds that a chemist would not find the instant invention to involve structurally distinct inventions. Absent contradictory evidence that those skilled in the art would find the instant invention to consist of multiple inventions, it is submitted that the Office Requirement is not substantiated.

Moreover, the Applicants assert that the pharmaceutical composition claims of **Groups II and III** and the method claims of **Groups II-V** are part of the claimed invention. Restriction **Group I**, is drawn to substances, an an important characteristic of which is their pharmacological activity. Such activity is claimed in the form of method claims. Therefore, the restriction of the instant invention into a group directed to the substance and another group directed to the method or pharmacological characteristic of the substance is without basis.

With respect to pharmaceutical composition Claim 15, the Applicants respectfully submit that it is currently the position of the USPTO that functional language is of no patentable relevance in pharmaceutical composition claims and that such claims are substance claims. Therefore, the restriction of the instant invention into a group directed to "compounds" and another group directed to pharmaceutical compositions comprising the compounds is also without basis.

Nonetheless, in an effort to advance the prosecution of the instant application, the Applicants elect **with traverse** to prosecute the invention of **Group I** (Claims 1-14), drawn to compounds of formula (I), of the Restriction Requirement. Applicants designate the species of Example 9, N-[2-(6-methoxy-4-isoquinolinyl)ethyl]acetamide hydrochloride, as representative of **Group I**. Moreover, the Applicants respectfully request that the Examiner include at least one method of

treatment claim from **Group II-VI** for simultaneous prosecution with the substance claims of **Group I**. The Applicants hereby designate the claim to treatment of *depression* for such examination.

The Applicants also respectfully request that pharmaceutical composition Claim 15 be included for simultaneous prosecution with the substance claims of **Group I**. With the instant Amendment, Claim 15 has been amended to delete the functional language "useful for treating melatoninerbic disorders", and Claim 16 has been cancelled.

Absent a favorable decision upon reconsideration of the Restriction Requirement, the Examiner may withdraw the non-elected subject matter, without prejudice to its rejoinder during later examination and/or prosecution in a Divisional Application.

Accordingly, entry of the present Election into the record of this application and favorable action on the merits thereof, are respectfully solicited.

Respectfully submitted,

THE FIRM OF HUESCHEN AND SAGE

By: 
MICHELE M. CUDAHY, Reg. No. 55,093

Dated: March 14, 2006
Customer No.: 25,666
Seventh Floor, Kalamazoo Building
107 West Michigan Avenue
Kalamazoo, MI 49007
(269) 382-0030

Enclosure: Listing of Claims and Postal Card Receipt



THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY FURTHER OR ADDITIONAL FEES WHICH MAY BE REQUIRED (DUE TO OMISSION, DEFICIENCY, OR OTHERWISE), OR TO CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 08,3220.